

NYBOT[®]
STANDING RESOLUTIONS
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STANDING RESOLUTIONS

R-1 Prohibition Against Harassment

WHEREAS, the Exchange is committed to a policy of providing a workplace where all employees are treated with dignity and respect; and

WHEREAS, the Exchange recognizes that its employees have the right to be free from racial or ethnic slurs, unwelcome sexual advances, or any other verbal or physical conduct which constitutes harassment; and

WHEREAS, for the purposes of this resolution the Board defines harassment as unwelcome sexual advances and includes the following conduct:

(a) Any request or pressure for sexual favors where it is expressed or implied that an employee's cooperation or submission (or refusal thereof) will have any effect on the person's employment, job assignment, wages, promotion, any other condition of employment, or future job opportunities, or

(b) Verbal or physical conduct of a sexual nature that is not welcomed by another, such as repeated sexual flirtation, advances, requests for sexual favors, innuendo, propositions, jokes or mockery, verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body or sexually suggestive objects or pictures, where such conduct may reasonably have the purpose or effect of creating an intimidating, hostile or offensive work environment, or

(c) Any uninvited and unwelcome physical contact, or

(d) Any other conduct of a sexual nature that unreasonably interferes with an individual's work performance or which has the effect of creating an intimidating, hostile or offensive working environment.

NOW THEREFORE BE IT RESOLVED, that it shall be a violation of this resolution to engage in any verbal or physical conduct against an Exchange employee contrary to this policy.

R-2 Delegation of President Authority

WHEREAS, on the Board of Governors has appointed the President; and

WHEREAS, the President has requested approval of certain delegations of authority as permitted under By-Law Section 405;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby approves the following delegations of the authority of the President pursuant to By-Law 405, effective April 14, 2004:

1. In the absence or inability of the President to act, the President's authority to approve substitute guarantees pursuant to Membership Rule 2.16(e), to extend the period of time within which a member-elect must obtain a membership pursuant to Membership Rule 2.27(a), and to approve a security deposit pursuant to Membership Rules 2.23 (h) and 2.26(b) in order to permit the transfer of a membership prior to completion of the claims notice period under the Rules, is hereby delegated to the Senior Vice President/Member Relations, and in the absence or inability of said Senior Vice President/Member Relations to act, to the Vice President/Member Relations.

2. In the absence or inability of the President to act, the President's authority to authorize the transfer of open contracts pursuant to Floor Trading Rule 4.11 and to review and approve certain clerk registration applications pursuant to Floor Trading Rule 4.33, is hereby delegated to the Senior Vice President/General Counsel, and in the absence or inability of said Senior Vice President/General Counsel to act, to any other Senior Vice President.

3. In the absence or inability of the President to act, the President's authority to list option striking prices pursuant to Coffee Option Rule 8.53, Cocoa Option Rule 9.43, Cotton Option Rule 10.59, Sugar Option Rule 11.24, Ethanol Option Rule 12.24, FCOJ Option Rule 13.32, USDX Option Rule 15.23, Currency Option Rule 16.23, Reuters CRB Index Option Rule 17.26, NYSE Composite Index Option Rule 18.26 and Russell Complex Option Rule 19.207 is hereby delegated to the Senior Vice President/General Counsel, and, in the absence or inability of said Senior Vice President/General Counsel to act, to any Senior Vice President.

4. In the absence or inability of the President to act, the President's authority to list additional Option Months pursuant to USDX Option Rule 15.21, Currency Futures Rule 16.01, Currency Option Rule 16.21, NYSE Composite Index Option Rule 18.24, Russell Complex Futures Rule 19.01 and Russell Complex Options Rule 19.205 is hereby delegated to the Senior Vice President/General Counsel, and, in the absence or inability of said Senior Vice President/General Counsel to act, to any Senior Vice President.

R-3 Delegation of Summary Fining Authority

RESOLVED, that the Board of Governors hereby authorizes the Exchange employees who, from time to time, perform the function of TIPS Control Room Manager, acting as agent for the Floor Committee, to act on behalf of the Floor Committee with respect to the issuance of summary sanctions against members and/or their clerks who engage in prohibited conduct regarding the proper discarding of food and refuse in the TIPS data entry room and who interfere with the personal comfort and safety of others by stacking boxes for storage, effective April 14, 2004.

R-4 Sexual Harassment Awareness Course Attendance

WHEREAS, Membership Rule 2.18 and Floor Trading Rule 4.33 provide that in order to retain floor trading privileges and clerk registration, a person must attend a Sexual Harassment Awareness Course within a specific period of time otherwise their privileges and registration would be suspended until such time as the member or clerk complies with the requirement; and

WHEREAS, the President is authorized to extend the period of time a person has to satisfy this requirement; and

WHEREAS, a significant number of clerks have failed to satisfy this requirement; and

WHEREAS, the Board wishes to provide an incentive for members and clerks who have failed to satisfy this requirement to do so while continuing to have access to the trading floor;

NOW, THEREFORE, BE IT RESOLVED, that effective June 10, 2004 any Member or clerk who is granted an extension of time to satisfy the requirement to attend a Sexual Harassment Awareness Course shall pay a fee of \$100 for each week of such extension that he wishes to gain access to the trading floor.